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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,958	03/19/2004	Chanh C. Vo	HE0222	9176
21495	7590	04/06/2006	EXAMINER	
CORNING CABLE SYSTEMS LLC			CHIEM, DINH D	
P O BOX 489			ART UNIT	
HICKORY, NC 28603			PAPER NUMBER	
			2883	
DATE MAILED: 04/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/804,958

Applicant(s)

VO ET AL.

Examiner

Erin D. Chiem

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,13-16,22 and 25-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-12,17-21,23,24,28,29 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This office action is in response to the remarks filed on January 19, 2006. Claims 1-31 are pending.

#### ***Election/Restrictions***

Applicant's election without traverse of Species A in the reply filed on January 19, 2006 is acknowledged. The examiner also agrees with the applicant that claims 8-10, 23-24, and 31 are drawn to Species A and will be examined in this office action.

#### ***Claim Objections***

Claim 1 objected to because of the following informalities: the recitation "one of the housing" in the 6<sup>th</sup> line of the claim lacks antecedent basis; up until line 6 of the claim, there is only one housing. Appropriate correction is required. For the purpose of examination, the examiner considers this to be a typographical error and will examine the recitation as the same housing as recited in line 3 of the claim.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8-12, 17-21, 23, 24, 28, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (US Patent 5,218,664) in view of Battey et al. (US Application 2002/0051616 A1).

Regarding claims 1-4, 11-12, 17-21, 28 and 29 O'Neil teaches a splice pedestal comprising a base (Fig. 1; 11, 12), a housing 10 positioned over the base, a distribution cable 9 received within the interior cavity, a plate 25 secured to one of the housing and the base and operable for separating the interior cavity into a first compartment 21 and a second compartment (not explicitly drawn but explained in col. 2, lines 52-57). A splice tray 24, not enclosed within another enclosure, is provided to connect the cables 9 passing through the buffer tube 23 and to the splice tray for interconnection. The first compartment is above the "silicon pail" 21 wherein the silicon pail is filled up with a gel preventing access of water to the splice trace, thus isolating the splice tray and separate the pedestal into two separate compartments. The container 10 creates a bell jar effect when placed over the base.

However, O'Neil does not explicitly teach the limitation of a drop cable received within the interior cavity and interconnect with the cables within the cavity.

Battey teaches, similarly, a splice pedestal having a base 12 wherein the distribution cable is received into the cavity through the port 14 and exits the cavity through a separate port 14, and teaches a cassette 106 used to interconnect multiple drop cables [0031] [0034] [0036]. The purpose for Battey to provide a drop cable is to provide a distinct cable drawn from the distribution cable to each subscriber. Furthermore, the purpose for providing the splice tray is

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for the technician to customize the signal needed for each subscriber and the splice tray acts as a cable organizer.

Since O'Neil and Battey are both from the same field of endeavor, the purpose disclosed by Battey would have been recognized in the pertinent art of O'Neil.

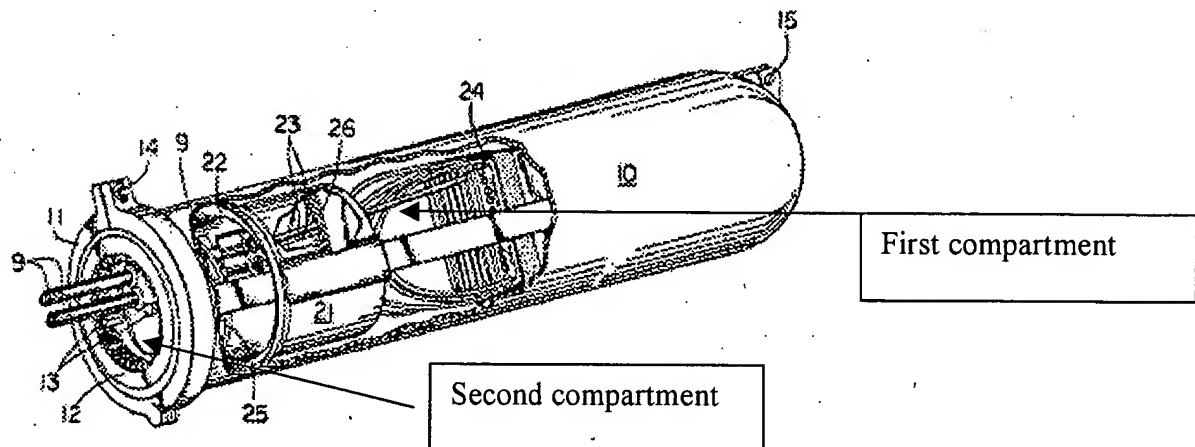
It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the teaching of O'Neil's enclosure having two separate compartments to isolate the environmentally sensitive connections from the moisture of the earth, where these types of optical fiber termination pedestal are typically installed. Although O'Neil does not explicitly teaches a drop cable from the pedestal, but it reasonably obvious for an optical cable termination pedestal, as taught by O'Neil, that requires customizing the feed signal to each specific subscriber must have a drop cable. The motivation for using O'Neil's enclosure is to isolate and protect the sensitive connections from the moist environment beneath the earth and the motivation for having a drop cable is to provide a distinct feed signal that is customized to each subscriber.

### *Response to Arguments*

In response to applicant's argument that claim 1 recites *inter alia* "a plate secured to one of the housing and the base and operable for separating the interior cavity into a first compartment and a second compartment" is not persuasive, a recitation of the intended use (e.g., operable = able to operate) of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use,

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then it meets the claim. Furthermore, the prior art O'Neill is capable of performing the intended use as shown here in Fig. 1.



The examiner respectfully point out that due to the broad recitation of a "first compartment" and a "second compartment" O'Neill's Fig. 1 would read upon such recitation for the space disposed within the bell jar (10) is considered the first compartment and the space below the plate.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin D. Chiem whose telephone number is (571) 272-3102. The examiner can normally be reached on Monday - Thursday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Erin D Chiem  
Examiner  
Art Unit 2883



Frank G. Font  
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